

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**  
**STEPHEN KELLY,**

**Plaintiff,**

**8:20-cv-722  
(GLS/DJS)**

**v.**

**ALBANY COUNT PROBATION  
DEPARTMENT,**

**Defendant.**

**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

Stephen Kelly  
*Pro Se*  
18-A-3202  
Gouverneur Correctional Facility  
Scotch Settlement Road  
P.O. Box 480  
Gouverneur, NY 13642

**Gary L. Sharpe  
Senior District Judge**

**ORDER**

The above-captioned matter comes to this court following an Report-Recommendation and Order (R&R) by Magistrate Judge Daniel J. Stewart duly filed on July 9, 2020. (Dkt. No. 6.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the R&R for clear error, it is hereby

**ORDERED** that the Report-Recommendation and Order (Dkt. No. 6) is **ADOPTED** in its entirety; and it is further

**ORDERED** that the Complaint is **DISMISSED** with prejudice as to the Albany County Probation Department; and it is further

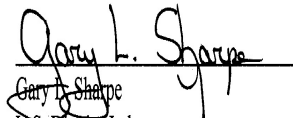
**ORDERED** that plaintiff is granted leave to file an amended complaint to name a proper defendant within thirty (30) days of this court's order<sup>1</sup>; and it is further

**ORDERED** that plaintiff's amended complaint, filed on July 29, 2020, (Dkt. No. 7), is referred to the Magistrate Judge for further review; and it is further

**ORDERED** that the Clerk provide a copy of this Order to plaintiff in accordance with the Local Rules of Practice.

**IT IS SO ORDERED.**

July 31, 2020  
Albany, New York

  
Gary L. Sharpe  
U.S. District Judge

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<sup>1</sup> Plaintiff filed an amended complaint on July 29, 2020 before the court had an opportunity to review the R&R. (Dkt. No. 7.)